SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT PETITION NO. 20285 OF 2006

BETWEEN

Pasi Appala Narasaiah & others

.....Petitioners

And

State of Andhra Pradesh,
Rep. by its Principal Secretary to Government,
Revenue Department,
Hyderabad & another

.....Respondents

Counsel for the petitioners : Shri K.V. Bhanu Prasad

Counsel for the respondents : Government Pleader for Revenue

Dated: 27.09.2006

:: O R D E R ::

Per G.S. SINGHVI, CJ

In this petition, the petitioners have prayed for striking down the Andhra Pradesh Registration (Prohibition of Registration of Certain Documents opposed to Public Policy) Rules, 1999 (for short 'the 1999 Rules') and notification dated 15.11.2003 vide which the Government of Andhra Pradesh declared the registration of documents in respect of the land situated in Kothavalasa Village, Bheemunipatnam Mandal, Visakhapatnam District as opposed to public policy.

We have heard learned counsel for the parties and perused the record.

By an order dated 07.12.2005 passed in Writ Petition No.14099 of 2003 – K. Ramadevi v. State of Andhra Pradesh, and batch, this Court struck down Section 22-A of the Registration Act, 1908 (for short 'the Act'), as inserted by Andhra Pradesh Amendment Act No.4 of 1999, and petition for Special Leave to Appeal No.11984 of 2006 filed by the State of Andhra Pradesh against that order was dismissed by the Supreme Court on 11.08.2006.

Since, the 1999 Rules have been framed by the State Government and the impugned notification has been issued for giving effect to Section 22-A of the Act, the same are liable to be struck down/quashed. Ordered accordingly.

The writ petition is allowed in the manner indicated above. The competent authority shall now take steps for registration of the documents presented by the petitioners and do the needful within three months from the date of presentation of a copy of this order.

It is, however, made clear that this order shall not be construed as a mandate of the Court for registration of the documents of the petitioners and the competent authority shall take appropriate decision

after satisfying itself that the petitioners fulfill all other statutory requirements.

While disposing of the writ petition in the manner indicated above and with a view to curtail similar litigation in future, we direct the Principal Secretary, Revenue Department, Government of Andhra Pradesh to issue instructions to all the Collectors and Sub-Registrars in the State of Andhra Pradesh to take action in accordance with order dated 07.12.2005 passed in Writ Petition No.14099 of 2003 and connected matters. If necessary, the Government may issue appropriate notification for giving effect to the order passed by the High Court which, as mentioned above, has been confirmed by the Supreme Court.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

27.09.2006
ksld